

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**Aetna Life Insurance Company**

**Plaintiff**

**v.**

**Methodist Hospitals of Dallas, *et al.***

**Defendants**

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**No. 3:14-cv-00347-M**

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**PLAINTIFF AETNA'S UNOPPOSED  
MOTION AND BRIEF IN SUPPORT FOR  
LEAVE TO FILE REPLY IN SUPPORT OF SUMMARY JUDGMENT**

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1. Plaintiff Aetna Life Insurance Company requests leave to file the attached Reply in Support of Motion for Summary Judgment pursuant to the Local Rules for the Northern District of Texas (Attachment 1).

2. Counsel for Aetna conferred with counsel for Defendants concerning the relief requested in this Motion, and the Defendants advised that they are UNOPPOSED to the relief.

3. Aetna filed this lawsuit in the Southern District of Texas and moved for summary judgment to establish the inapplicability of the Texas Prompt Pay Statute to self-funded medical claims. Defendants filed the Response to Motion for Summary Judgment on January 13, 2014, and Aetna was preparing its Reply pursuant to the Local Rules for the Southern District.

4. On January 27, 2014, this case was transferred to the Northern District of Texas, for the convenience of the parties and witnesses, on Defendant's Motion for Transfer of Venue under 28 U.S.C. § 1404(a). *See* Transferor DKT 29 (Memorandum Opinion and Order). And between February 3, 2014, and February 12, 2014, undersigned counsel for Aetna was in final hearing before the American Arbitration Association in Chicago, Illinois.

5. Aetna's Notice of New Authority (DKT 34) explained that Aetna's Reply will aid the Court in resolving the issues raised in Aetna's Motion pursuant to new, correctly-decided authority from the Eleventh Circuit, issued February 14, 2014.

**CONCLUSION AND PRAYER FOR RELIEF**

This Motion for Leave to file Aetna's attached Reply in Support of Motion for Summary Judgment (Attachment 1) is UNOPPOSED by the Defendants.

Therefore, Aetna prays that the Court grant this Unopposed Motion for Leave to file the attached Reply in Support of Motion for Summary Judgment, and grant such other and further relief to which Aetna may be justly entitled.

Respectfully submitted,

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ATTORNEY-IN-CHARGE FOR  
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**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 20, 2014, counsel for Aetna conferred with counsel for the Defendants, who advised that they were unopposed to this Motion.

John B. Shely

John B. Shely

**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2014, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who are known "Filing Users":

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